

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

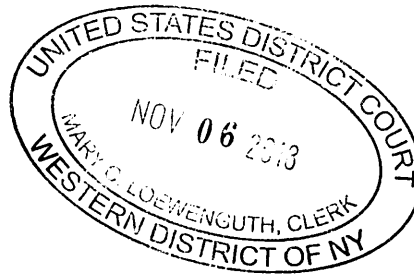
JUAN DEJESUS SANTIAGO,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.



PS/CD

18-CV-6713CJS
ORDER

Pro se Petitioner Juan DeJesus Santiago filed a motion to set aside or correct his sentence under 28 U.S.C. § 2255. Docket Item 1327. As the Petition states in more detail, Petitioner alleges that his conviction in this Court was unconstitutionally or unlawfully obtained. Petitioner has also submitted a Motion to proceed *in forma pauperis*. Docket Item 1328.

ORDER

IT IS HEREBY ORDERED, in accordance with Rules 4 and 5 of the Rules Governing § 2254 Cases in the United States District Courts, that Respondent shall file and serve an answer to the Petition no later than December 17, 2018. The Answer shall respond to the allegations in the Petition and shall state whether Petitioner has used any other available federal remedies including any prior post-conviction motions under these rules or those existing before the adoption of the present rules. Further, the Answer shall state whether an evidentiary hearing was afforded Petitioner in a federal court, whether Petitioner appealed the conviction, and what ruling, if any, the United States Court of Appeals has made on the appeal; and it is further

ORDERED that, in addition to the Answer, Respondent also file and serve by the above date a memorandum of law addressing each of the issues raised in the Petition and including citations of relevant supporting authority; and it is further

ORDERED that within twenty (20) days of receipt of the Answer, Petitioner may file a written reply to the Answer and memorandum of law; and it is further

ORDERED that within twenty (20) days of the date this Order is filed with the Clerk of Court, Respondent may file a motion for a more definite statement or a motion to dismiss the Petition, accompanied by appropriate exhibits which demonstrate that an answer to the Petition is unnecessary. The timely filing of such motion shall extend the time for filing an answer for fourteen (14) days, but the failure of this Court to act upon the motion within that time shall not further extend the time for filing an answer; and it is further


ORDERED that the Clerk of Court is directed to serve a copy of the Petition, together with a copy of this Order, upon the United States Attorney for the Western District of New York, 100 State Street, Rochester, New York 14614; and it is further

ORDERED that all docketing for this action shall be made in the related criminal action 6:08-cr-06210-CJS-6; and it is further

ORDERED that Petitioner's Motion to proceed as a poor person is granted.

THE PETITIONER MUST FORWARD A COPY OF ALL FUTURE PAPERS AND CORRESPONDENCE TO THE UNITED STATES ATTORNEY.

SO ORDERED.



Charles J. Siragusa
United States District Judge

DATED: Nov. 5, 2018, 2018
Rochester, NY